



# Maricopa County

Environmental Services Department

Water and Waste Management  
Division  
1001 N. Central Avenue #150  
Phoenix, Arizona 85004  
Phone: (602) 506-6666  
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## **Instructions for Obtaining an Affidavit of Agreement to Encroach into Property Line Setback (Wastewater Disposal)**

A setback of 50 feet from onsite wastewater systems (septic systems) to undeveloped property lines is required in areas which water is supplied by individual wells (a 100 feet setback is required to all wells). When this setback cannot be met, an alternative is to have your neighbor sign a legal agreement allowing your onsite wastewater system to encroach upon his/her property line. This agreement may have the effect of limiting your neighbor's ability to develop his/her property in the vicinity of your onsite wastewater system, as all wells must be 100 feet from all septic system components.

### Procedure:

1. Complete the form. The information requested on lines 1 and 3, applies to the property being encroached upon. The information requested on lines 5 and 7 refer to the property on which the new onsite wastewater system is proposed to encroach into the 50 feet property line setback.
2. In the presence of a public notary, the property owner referenced in lines 1 and 3 must sign at line 20 and date the affidavit on line 22, fill in (print) the name of the property owner on line 25 and address on line 28. The form must be notarized.
3. The completed form is taken to the Maricopa County Recorder's Office at 111 South Third Avenue, Phoenix AZ, for recording. There is a fee for this service. Currently the turn around time for a recorded document is approximately 6 weeks.
4. If you cannot wait the approximately 6 weeks for the Recorder's Office to send official recorded documents, you can ask for a certified copy at the Recorder's intake counter. The certified copies will have a fee in addition to the recording fee. You may hand-carry the certified copy to us. The Recording Number and/or certificate number and the affidavit will be added to the NOID application file.

Thank you.



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AFFIDAVIT OF AGREEMENT TO ENCROACH INTO
PROPERTY LINE SETBACK(Wastewater Disposal)

1 I, \_\_\_\_\_, owner of record of Assessor's Parcel Number (APN)
2
3 \_\_\_\_\_ and legal description Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_
4
5 agree to the wastewater disposal system or its replacement serving APN \_\_\_\_\_
6
7 and legal description Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ being placed in such a
8
9 manner as to encroach within the property line setback of 50 feet as required by the Arizona
10 Department of Environmental Quality.

11
12 I understand that my agreement to this encroachment may limit my ability to install a water
13 well on my property since I will be required by the Arizona Department of Water Resources
14 to maintain a minimum of 100 feet between the well and all sewage disposal systems. Should
15 I sell this property, I agree to inform the purchaser in writing of this limitation.

16
17 I have read this affidavit and do understand its meaning and its impact on the potential
18 development of my property.

19
20 Signatures: \_\_\_\_\_

21
22 Date: \_\_\_\_\_

23
24
25 Names(s) \_\_\_\_\_

26
27
28 Address \_\_\_\_\_

29
30
31 This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

32
33 My commission expires: \_\_\_\_\_

34
35
36 Notary Public: \_\_\_\_\_